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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,381	03/04/2002	Rick Rowe	RROWE.0006P	1717

32856 7590 03/23/2007  
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EXAMINER
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LAstra, DANIEL

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/091,381

Applicant(s)

ROWE, RICK

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08/29/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08/29/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-18 have been examined. Application 10/091,381 (METHOD AND APPARATUS FOR FACILITATING MONETARY AND COMMERCIAL TRANSACTIONS AND FOR PROVIDING CONSUMER REWARD PROGRAMS) has a filing date 03/04/2002 and is a continuation in part of 09497788 (02/03/2000)

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fowler (US 2002/0026348).

Claim 1, Fowler teaches:

A method of facilitating financial and reward transactions in a financial system for use by a consumer, comprising:

- (a) providing a plurality of financial transaction categories (see paragraph 24);
- (b) assigning types of financial transactions to said plurality of financial transaction categories (see paragraphs 23-24);
- (c) providing a plurality of reward programs (see paragraph 30); and
- (d) associating a reward program with each financial transaction category (see paragraph 24).

Claim 2, Fowler teaches:

The method in accordance with Claim 1 wherein said financial transactions are financial debit transactions or credit transactions resulting from the use of a debit card, a credit card, a smart card, or other financial instrument (see paragraph 21).

Claim 3, Fowler teaches:

The method in accordance with Claim 2 wherein said financial transactions are associated with an account assigned to said consumer (see paragraphs 33 and 36).

Claim 4, Fowler teaches:

The method in accordance with Claim 3 including the step of generating reward information for financial transactions assigned to financial transaction categories and associating said reward information with said account (see paragraphs 24 and 30).

Claim 5, Fowler teaches:

The method in accordance with Claim 4 further including the step of accessing said account from a personal computer connected to the Internet (see paragraph 43).

Claim 6, Fowler teaches:

The method in accordance with Claim 1 including the step of assigning reward program criteria to said plurality of reward programs and generating reward data from financial transactions associated with said financial transaction categories (see paragraph 24).

Claim 7, Fowler teaches:

The method in accordance with Claim 6 further including the step of selecting a

reward based upon said reward data in accordance with said reward program criteria and updating the reward data associated with said financial transaction categories (see paragraph 30).

Claim 8, Fowler teaches:

A method of assigning a financial transaction to a financial transaction category for use by a consumer in a rewards program, comprising:

- (a) determining a financial transaction type (see paragraphs 23, 24 and 30);
- (b) determining an appropriate financial transaction category to which said financial transaction is to be assigned (see paragraphs 23-24);
- (c) generating total transaction amount data for each financial transaction category using said information regarding assigned financial transactions (see paragraph 30); and
- (d) calculating a reward based on aggregated financial transaction for said category (see paragraphs 23-24 and 30).

Claim 9, Fowler teaches:

A financial account system for use by a customer, said system comprising a means for grouping financial transactions into financial transaction categories based on financial transaction types whereby financial transactions of the same type are grouped into the same transaction category (see paragraphs 23-24);

means for associating at least one transaction category to at least one of a plurality of reward programs and means for providing a plurality of reward programs to a consumer (see paragraphs 23-24).

Claim 10, Fowler teaches:

The financial account system in accordance with Claim 9 including means for a consumer to associate a reward program to a transaction category (see paragraphs 23 and 24).

Claim 11, Fowler teaches:

The financial account system in accordance with Claim 9, including means for defining a financial account having financial debit and credit transactions grouped into one of said financial transaction categories (see paragraph 21).

Claim 12, Fowler teaches:

A method of providing a financial account for use by a consumer engaging in financial transactions associated with said financial account comprising:

(a) defining available financial transaction types for the financial transactions engaged in by said consumer (see paragraphs 23-24 and 30),

(b) associating each financial transaction type to one of a plurality of financial transaction categories (see paragraphs 23, 24 and 30); and

(c) selecting one of a plurality of reward programs and associating it at least one reward program to each transaction category (see paragraphs 23 and 24).

Claim 13, Fowler teaches:

The method in accordance with Claim 12 including the step of generating reward points based upon financial transactions assigned to each financial transaction category based upon said associating of said financial transaction types with said categories (see paragraphs 23-24), and transferring reward points from one or more reward programs

associated with a first financial transaction category to one or more reward programs associated with a second financial transaction category (see paragraph 35).

Claim 14, Fowler teaches:

The method in accordance with Claim 12 including the step of redeeming an earned reward by a consumer associated with one of a plurality of reward programs associated with one of a plurality of transaction categories within said account (see paragraphs 23 and 24).

Claim 15, Fowler teaches:

The method in accordance with Claim 14 wherein rewards are earned through the accumulation of points generated from financial transactions (see paragraph 30).

Claim 16, Fowler teaches:

The method in accordance with Claim 14 wherein rewards are determined based upon a plurality of defined tiers, whereby each tier is reached once a certain level of consumer spending as evidenced by financial transactions has been achieved (see paragraph 30).

Claim 17, Fowler teaches:

The method in accordance with Claim 14 wherein rewards are determined based upon a percentage of a consumer spending amount and provided to said consumer a cashback reward (see paragraph 5).

Claim 18, Fowler teaches:

The method in accordance with Claim 14 wherein rewards are determined based upon the amount of consumer spending and provided to the consumer as merchandise (see paragraph 30).

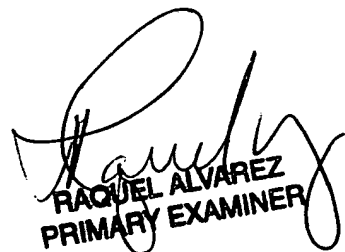
**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL  
Daniel Lastra  
March 14, 2007

  
RAQUEL ALVAREZ  
PRIMARY EXAMINER